



Chief Judge Chandlee Johnson Kuhn

# FAMILY COURT

We are pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its mission and strategic plan.

In accordance with its statutory mission, set forth in 10 *Del.C.* § 902(a),

*"The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interest of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another."*

## **Strategic Planning**

Family Court's Strategic Plan reads as follows:

***WE, THE JUDGES OF THE FAMILY COURT OF THE STATE OF DELAWARE, this 12<sup>th</sup> day of August, 2004, in furtherance of the Family Court's legislative mandate to best serve the interests of the citizens, families, and children of the State of Delaware,***

*and all other individuals who appear before us, do hereby set forth the Court's guiding ideals, goals, and strategies.*

## **GUIDING IDEALS**

*The Family Court of the State of Delaware – its judicial officers and staff – is committed to securing meaningful access to justice for those who come before the Family Court; to striving for safety, permanency, and rehabilitation of our children; to protecting the peace and safety of the public; to resolving disputes impartially and fairly; to demanding respect, intellectual honesty, integrity, and accountability from ourselves as well as from those we serve; to responding to the social changes and innovative ideas of the future; to giving due deference to legal precedents of the past; and, ultimately, to enhancing the quality of life of the citizens, children and families of the State of Delaware.*

## **GOALS**

- *Safety and security*
- *Timely and expeditious hearings and case processing*

- *Institutional competence (fully trained and engaged judicial officers and staff)*
- *Conflict resolution in the least adversarial manner*
- *Comity in governmental relations*
- *Balanced court workload*

### **BROAD STRATEGIES**

- *Effective judicial governance*
- *Continuous learning (training and education)*
- *Innovation*
- *Alternate dispute resolution (ADR)*
- *Good working relationships with other branches of government and justice system partners*
- *Community outreach*

### **Judicial Composition**

The addition of two judgeships for the Court in New Castle County in 2005 has allowed us to better serve the citizens of our state in a year in which we handled an additional 1,423 filings and rendered 3,922 more dispositions than in fiscal year 2005. Although the Court is unable to determine at this time the complete impact of the two additional Judges, the Court hopes to be able to obtain accurate performance information upon full implementation of COTS.

Commissioner Mary Much was unanimously confirmed in a Senate hearing on June 1, 2006 to fill the vacancy created when Judge Hitch was elevated.

### **Court Improvement Project (CIP)**

The Court Improvement Program (CIP) is a multi-year, federally funded grant project designed to support state courts in efforts to improve their handling of cases involving children in foster care, termination of paren-

tal rights and adoption proceedings. Delaware has participated in this project since its inception in 1994.

Because of its sweeping systemic reforms, the Delaware Family Court was selected as a study site for the U. S. Department of Health and Human Services (HHS) to evaluate the impact of CIP. Pal Tech will conduct the court-focused evaluation in New Castle County under contract with HHS. The study will begin in the fall of 2006 and take place over a five-year period. It will include observations and empirical information regarding the impact of court reforms, including their influence on the Division of Family Services and its ability to meet federal child welfare requirements.

Last fall, a team of judges, staff and child welfare professionals in Delaware had the opportunity to attend The National Leadership Summit on the Protection of Children. Each team at the Summit was charged with developing an action plan for its state.

In order to further advance the goals and mission of the action plan written after the Summit, the Family Court has partnered with the Department for Children Youth and their Families to host a two-day Statewide Summit on the Protection of Children entitled: *Joining Forces for Delaware's Children*. Both national and local experts will present at the Conference which will be held in November in Dover.

Our intent is to collaborate with the Department for Children Youth and their Families to further the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met. Through this collaboration we plan to identify and obtain needed resources system-wide, better utilize data that is available, create performance measures for the Family Court and the Division of Family Services specifically in

the CIP area, and ultimately to create County Collaboratives to meet the individual needs of our State's three counties. Family Court will dedicate an employee to coordinate the CIP Grant and the Collaborative's efforts to ensure achievement of the goals and objectives.

### **Juvenile Justice**

The Court has created an internal committee to study the juvenile justice practices in Delaware and offer recommendations for improvements that further public safety and rehabilitative outcomes.

The Delaware Girls Initiative (DGI) is a collaborative group that has partnered with the Delaware Center for Justice, the National Council on Crime and Delinquency, and the PACE Center for Girls to explore the need for a comprehensive continuum of services for at-risk adolescent girls in the State of Delaware. There are over 125 participants from various national, state, and local government agencies, community for and not-for profit organizations, elected officials, law enforcement and service providers.

A blueprint, which outlines the DGI Strategic Plan and Action Steps, was unveiled on May 31, 2006, in the Senate Chambers in Legislative Hall with over 100 supporters.

Family Court continues to contract with an Expeditor in New Castle County to track juveniles in the system and identify alternative pre-adjudicatory non-secure placements. The Family Court also implemented the Risk Assessment Instrument, which is an objective tool to facilitate the hearing officers' identification of those juveniles who qualify for alternative non-secure placements to detention. These coordinated efforts will result in a more effective and efficient juvenile justice system for Delaware.

In addition, the Family Court, in collaboration with the Office of the Public Defender and the Division of Child Mental Health, has received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with criminal charges pending against them in the New Castle County Family Court. The program will result in a treatment-based resolution of the criminal charges that will target both competent and incompetent offenders with mental health disorders. The participating agencies are finalizing implementation plans and we anticipate a start date in January 2007.

### **Services for Self-Represented Litigants**

In its continued efforts to serve *pro se* litigants, the Family Court helped over 48,000 people by providing assistance through the Resource Centers statewide. Over 24,000 people in New Castle County utilized the services provided in the Self-Help Center. Kent County's Resource Center provided assistance to approximately 14,000 people, and Sussex County's Resource Center provided assistance to approximately 10,000 people. These numbers indicate that Delaware's citizens continue to benefit from the variety of services offered in the Resource Centers.

Over the past year, the Court has developed and implemented instruction booklets for custody, visitation, custody modification, guardianship and permanent guardianship. These instruction booklets are in addition to the divorce and annulment booklets offered previously and provide extensive information to *pro se* litigants regarding how to complete court forms (including sample forms), the court process and information to assist them in preparing for their particular court hearing. The booklets are available to *pro se* litigants in all Family Court Resource Centers and are accessible on the Family Court

webpage. The Court is currently developing additional instruction booklets in the areas of child support, termination of parental rights and motions practice.

The Court's *pro se* litigant program has enhanced the public's access to the Court, has enhanced litigants' participation in the Court process and has contributed to more efficient Court operations.

### **Court Appointed Special Advocate (CASA) Program**

The Family Court CASA Program celebrated 25 years of service this year. In 1981 the Family Court of the State of Delaware, in collaboration with the Junior League of Wilmington and the Wilmington Chapter of the National Council of Jewish Women, started a pilot program in New Castle County to address the needs of Delaware's abused and neglected children who appeared in the Court unrepresented. The program was called "*Guardian ad Litem*" and volunteers would represent the abused, neglected and dependent children appearing before the Court.

Since its inception 25 years ago, the program was renamed Court Appointed Special Advocate Program (CASA) and continues to grow. The Court Appointed Special Advocate (CASA) Program provides trained volunteers to represent the best interests of abused and neglected children in court proceedings.

During Fiscal Year 2006, 207 CASA volunteers served as guardians *ad litem* for 562 abused and neglected children in the Family Court statewide. In Fiscal Year 2004, the statewide program was among the first in the country to successfully complete the

National CASA Association's Quality Assurance Program that measures compliance with national standards. The Delaware Family Court program surpassed compliance requirements by meeting or exceeding 434 of the 438 (99 percent) possible measures in the process.

With a goal to further diversify its volunteer pool to better reflect the community it serves, the CASA program implemented new statewide public relations strategies, which included targeted volunteer recruitment in each County. This fall the Court will sponsor Public Service Announcements through several media outlets encouraging people to become CASA volunteers.

### **Security, Safety and Functionality of the Family Court Facilities Statewide**

Family Court, in conjunction with the Department of Administrative Services continues a multi-year initiative to renovate, modernize and expand our courthouse in Sussex County. Funding for space needs assessment studies for both Kent and Sussex Counties has been secured. The Court anticipates that the studies for both Kent and Sussex counties will be completed during Fiscal Year 2007.

In May 2006, the Department of Administrative Services purchased a parcel of land immediately adjacent to the present Family Court building in Sussex County, which, if feasible, will allow for the expansion of the existing facility. With surplus funds from that project, Family Court judges and administrative staff are working with the Division of Facilities Management to identify and correct the most critical security deficiencies in need of immediate attention in Sussex.

In Kent County, the Court, in concurrence with Facilities Management, has decided to forego any further renovations of the Family Court building other than minor critical security needs. The Family Court, in conjunction with the Division of Facilities Management, has begun the process to conduct a comprehensive space needs assessment in order to determine the long term space requirements for the Family Court and to determine whether the existing courthouse can be renovated and expanded in order to support the day to day operations of the Court.

As of July 2006 we were granted two additional Judicial Assistant positions, one each in Kent and Sussex Counties. Those positions will enhance the security profiles in the two courthouses.

### **COTS – Courts Organized To Serve**

Family Court judges and staff continue with their commitment to the statewide COTS (Courts Organized to Serve) automation initiative, as the project nears the initial phase of implementation. During Fiscal Year 2006, court personnel at all levels have continued to support our sister court, the Justice of the Peace Court, as they prepare to implement the COTS case management software in three of their civil courts in November 2006. The Family Court has continued to work diligently in evaluating the functionality of the system and in refining our case management processes to assure that the COTS Initiative is successful and beneficial to the public, the State of Delaware judiciary, and all partner agencies.

### **Human Resources Development**

The Family Court continues to focus on the

professional development of its administrative support staff with the goal of enhancing overall organizational effectiveness and individual competencies. The emphasis is on providing our employees with the knowledge and skills needed to provide information and assistance to litigants effectively.

The guiding principles that the Court uses as its long range human resources strategy are embedded in its Strategic Plan that has been adopted and approved by all Family Court judges. Additionally, the framework that exists in the National Association of Court Management's (NACM) Core Competency Guidelines is being explored as the basis for specific long-term professional development strategies for court managers and administrative support staff.

The Court's current development program for its supervisors and managers centers on two one-day conferences that are held annually at a central location with full participation required.

In April 2006, all managers and supervisors attended a one-day conference titled "Managing Performance and Motivating Employees" that was conducted by Strategic Initiatives Consulting Group, LLC.

The second supervisor's conference for 2006 will be held on November 17 and the proposed theme will build on the core competencies for court managers that have been authored by the National Association of Court Management.

On September 28 and 29, 2006 all commissioners and all administrative support staff will attend the Family Court Staff Development Conference that is titled "Purpose-



Driven Courts.” The agenda will focus on the value and importance of public service in the courts.

In addition to the staff-wide Family Court conference, employees in administrative support positions attend various staff development programs offered by the Administrative Office of the Courts, the Office of Human Resources Management and other training resources. The judges, commissioners, managers and supervisors are committed to the participation of their unit members in these programs.

The Court continues to encourage employees to apply for its employee educational assistance program which provides tuition reimbursement to employees who are pursuing college degrees.

Under the Court’s Excellence in Performance program, annual ceremonies were held in each county in May and awards were presented for a broad range of individual and group achievements, including Employees of the Year, Manager of the Year and Director’s awards.

Members of the Court continue to be recognized locally and nationally for their accomplishments in our communities as evidenced by the following awards:

- The Honorable Chandlee Johnson Kuhn was presented with the National Council on Crime and Delinquency Albert Elias Award for 2006. Each year, NCCD recognizes an individual who has made significant and outstanding contributions to juvenile justice.
- The Honorable Chandlee Johnson Kuhn was presented with the 2006 City of Wil-

mington Award to recognize and honor her outstanding accomplishments with the Delaware Girls’ Initiative.

- The Honorable Chandlee Johnson Kuhn was chosen as a recipient for the Strong, Smart and Bold Award for 2006 from Girls, Inc. of Delaware. The Judge was chosen as one of three women honored who have distinguished themselves through exemplary achievements in the community, their professions, and as role models for girls.
- The Honorable Aida Waserstein was awarded the 2006 John H. Mathis Trailblazer Award. Judge Waserstein was chosen for her leadership role in promoting cultural understanding and diversity as chair of the Delaware Supreme Court’s Certified Court Interpreter Program Advisory Board and her many contributions to the Hispanic community in Delaware.
- The Honorable Aida Waserstein along with Jody Huber, Esq., Director of Pro Se Services, wrote an article titled “A War on Two Fronts” regarding the Servicemembers Civil Relief Act which was published in the Spring 2006 issue of Delaware Lawyer Magazine.
- The Honorable Patricia Tate Stewart was honored with the Adjunct Professor Distinguished Service Award for 2006 from Widener University School of Law.
- Jody Huber, Esq., Director of Pro Se Services, was selected to address the new lawyers at the Delaware Bar Induction ceremony.

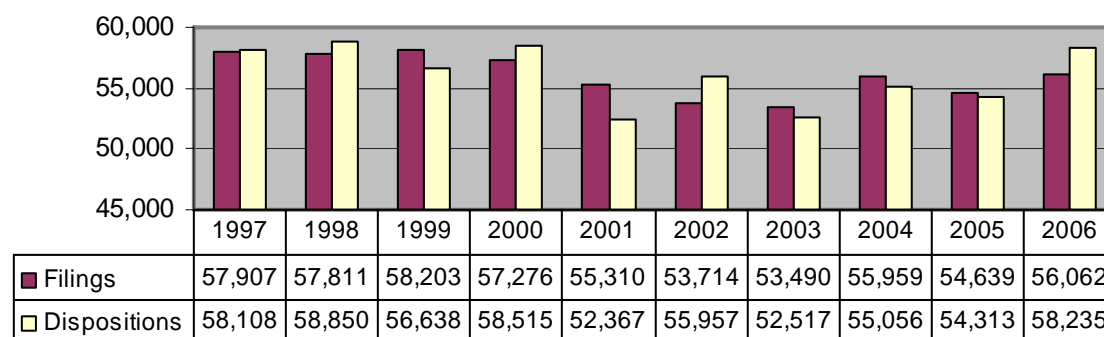
It should also be noted that on September

6, 2006, The Honorable Jay Connor was reconfirmed to serve his third term in the Family Court and The Honorable Mark Buckworth was reconfirmed to serve his second term in the Court.

We are pleased to report on Family Court's accomplishments over the last year. Family

Court will continue to focus its resources on providing quality service to the citizens of our state and ensuring that matters within the Court's jurisdiction are resolved as expeditiously as possible, while meeting our obligation to providing our citizens with the highest quality of justice feasible.

**10 YEAR CASELOAD TREND  
FAMILY COURT CIVIL & CRIMINAL FILINGS AND  
DISPOSITIONS BY FISCAL YEAR**



### Legal Authorization

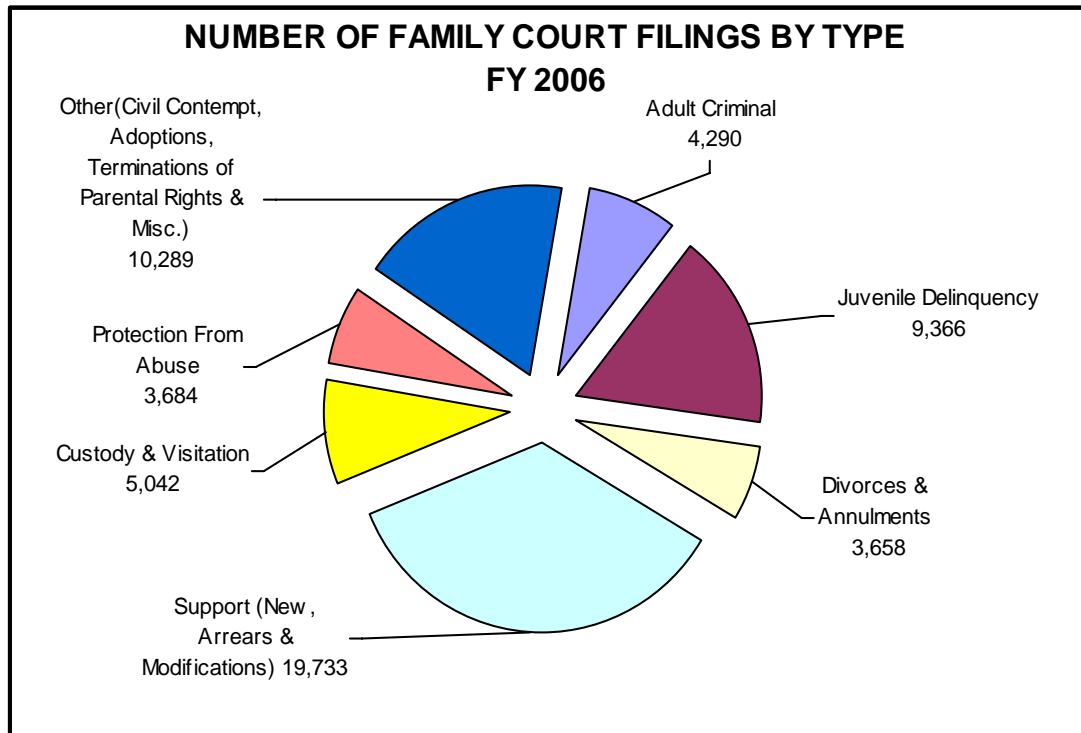
The Constitution of Delaware, Article IV, Section 1, authorizes the Family Court.

### Court History

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington, which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created. From the early 1930s, there was a campaign to establish a Family

Court in the northernmost county. This idea came to fruition in 1945 when the legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962, the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950s, the concept of a statewide Family Court had been endorsed. This concept was realized with



the statutory authorization of the Family Court of the State of Delaware in 1971.

In 2005, Family Court was granted Constitutional Status by an act of the General Assembly.

### Geographic Organization

The Family Court is a unified statewide court with branches in New Castle County in Wilmington, Kent County in Dover and Sussex County in Georgetown.

### Legal Jurisdiction

The Family Court has jurisdiction over statutorily enumerated juvenile delinquency matters, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spousal support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions,

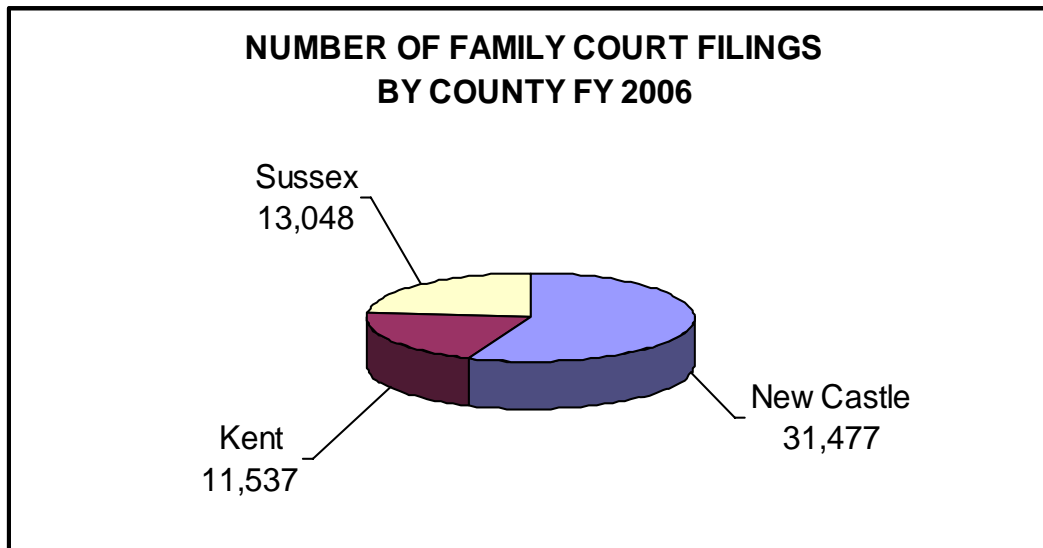
specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, orders of protection from abuse and intra-family misdemeanor crimes.

Cases are appealed to the Supreme Court with the exception of adult criminal cases, which are appealed to the Superior Court.

### Judges

Family Court has 17 judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the judges must be of one major political party with the remainder of the other major political party.





The Governor nominates the judges, who must be confirmed by the Senate. The judges are appointed for 12-year terms. Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least five years prior to appointment and must have a knowledge of the law and interest in and understanding of family and children's issues. They shall not practice law during their tenure and may be re-appointed.

### **Commissioners**

Family Court has 16 Commissioners of equal judicial authority. Commissioners are attorneys at law who are nominated by the Governor, confirmed by the Senate and serve an initial four-year term. Upon second and subsequent appointments and confirmation, Commissioners serve six-year terms.

Commissioners hear a broad range of cases including child support, misdemeanor crimes and delinquency, civil protection orders, bail hearings and other cases as assigned by the Chief Judge. Orders from Commissioners are subject to review by Family Court Judges.

### **Administrative Support Personnel**

The Family Court has an administrative support staff of 300 full-time positions in addition to the above-referenced judges and commissioners. The Court's administrative support staff includes positions such as the court administrator, directors of operations, supervisors, clerks of court, administrative specialists, accountants, judicial assistants, mediation/arbitration officers, intake officers, program coordinators and volunteers working in all areas of the Court.



**Family Court**

***Front Row (sitting left to right)***

Judge William J. Walls, Jr.  
 Judge Jay H. Conner  
 Chief Judge Chandlee Johnson Kuhn  
 Judge Kenneth M. Millman  
 Judge Mark D. Buckworth

***Back Row (standing left to right)***

Judge Arlene Minus Coppadge  
 Judge Peter B. Jones  
 Judge Barbara D. Crowell  
 Judge Michael K. Newell  
 Judge Robert B. Coonin  
 Judge William L. Chapman, Jr.  
 Judge Joelle P. Hitch  
 Judge Alan N. Cooper  
 Judge Aida Waserstein  
 Judge Mardi F. Pyott

***Not pictured:*** Judge John E. Henriksen and Judge William M. Nicholas